

Jury demand date: 10-27-72 by defs.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS						
CARL L. SALSMAN VS HENRY D. WITT and PAULINE WITT		For plaintiff: M. Darwin Kirk Rucker & Tabor P. O. Box 1439 Tulsa, Oklahoma 587-2361 David J. Potter 522 Hickory Street Texarkana, Arkansas 75501 (501) 774-2283 Thomas S. Arnold, C. Wayne Dowd Arnold & Arnold 507 Hickory Street Texarkana, Arkansas 75501						
		For defendant: James M. Hinds & James L. Edgar Edgar, Manipella & Williams 1920 South Lewis Tulsa, Oklahoma 74104						
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 12-1-70 11-1-72	Clerk			11-12-70	Rucker	15 00		
				11-19-70	C/D 23		15 00	
				9-1-71	Edgar	5 00		
J.S. 6 mailed 9-1-74 7-1-73	Marshal			9-2-71	C.D. No. 11		5 00	
Basis of Action: Failure to perform lease agreement	Docket fee							
	Witness fees							
Action arose at: Tulsa	Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-70	Complaint filed. Summons issued. m	
11-19-70	Return on service of summons filed. Served Henry D. Witt at Tulsa, Okla. on 11-17-70. (\$3.00) h(\$4.68)	
12-4-70	Order granting defendants 15 days additional time to answer, filed. (LB-J) ds <i>Capital Trailers</i>	
1-15-71	Defts' motion for order to file answer out of time, filed. (LB-J)m	
1-15-71	Order allowing to file answer out of time, filed. (Luther Bohanon-J)	
1-15-71	Answer of the defendants, filed. b	
3-1-71	Case set for pre-trial hearing Wednesday 3-10-71 at 10:30 a.m. (LB-J)m	
3-1-71	Deft's motion for S/J and motion to dismiss, filed. m	
3-1-71	Brief in support of motion for S/J & motion to dismiss by deft, filed. m	
3-10-71	Pre-trial hearing held. Defts' motion for S/J and motion to dismiss are overruled. Parties to take depositions & exchange names of witnesses. Parties waive jury and Court waives filing of pre-trial order. Case to be set on next non-jury docket. (LB-J)m	
3-19-71	Notice to take depositions, filed. ds	
3-23-71	Case set for non-jury trial 4-7-71 at 9:30 a.m. (LB-J)m	
3-30-71	Case stricken from non-jury assignment of 4-7-71, to be reset on next non-jury docket. (LB-J)m <i>Call to 4-7-71</i>	
6-2-71	Deposition of Henry David Witt filed. On behalf of plaintiff, taken before James C. Mickerson CSR. (\$91.00 pd by plaintiff.)h	
6-2-71	Deposition of Carl Salsman on behalf of def., taken before James C. Hickerson, CSR filed. (\$64.00 pd by def.)	
6-16-71	Motion of plaintiff for leave to file amended complaint, filed. g	
6-16-71	Brief in support of motion for leave to file amended complaint, filed. g	
7-6-71	Ordered by the Court that the plaintiff's motion for leave to file amended complaint is hereby denied. (LB-J)m	
7-6-71	Case set for non-jury trial 7-28-71 at 9:30 a.m. (LB-J)m	
7-12-71	Interrogatories to pltf, filed. m	
7-12-71	Defts' motion to decrease time for answering of interrogatories, filed. m	
7-12-71	Brief in support of motion to decrease time for answering of interrogatories, filed. m <i>Order set to 7-28-71</i>	
7-14-71	Order that pltf. shall have 10 days from receipt of interrogatories to answer same, filed. (LB-J)m (copies mailed)	
7-16-71	Copy of depositions upon written questions of Raymond D. Anderson, filed. m	
7-16-71	Copy of deposition upon written questions of William E. Wiggins, filed. m	
7-19-71	Answers of William E. Wiggins (to questions on deposition), filed. m	
7-23-71	Deft's Motion for ruling under Rule 37, filed. r	
7-23-71	Brief in support of Motion for Ruling under Rule 37, filed. r	
7-26-71	Answers to interrogatories to pltf. Carl L. Salsman, filed. m	
7-26-71	Pltf's response to motion for ruling under rule No. 37, filed. m	
7-26-71	Answers to written questions submitted to Raymond D. Anderson, filed. m	
7-28-71	Case tried to the Court. Deft. makes statements on motion for S/J and motion to dismiss. Motions overruled. Questions & answers by deposition of all parties are received into evidence. Court rules that pltf. properly exercised his option and that pltf. is entitled to damages and judgment in amt. of \$14,350. Pltf. to prepare proper F/F & C/L & Judgment and present to Court within 10 days. (LB-J)m	
7-28-71	Trial exhibits, filed. m	
8-6-71	Findings of Fact and Conclusions of law, filed. (LB-J)m	
8-6-71	Judgment, filed and entered, that pltf. recover from defts. the sum of \$14,350.00, with int. at rate of 10% per annum from date. Costs awarded to pltf. (LB-J)m (copies mailed) Supersedeas bond fixed in the amt. of \$17,500.00.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-1-71	Notice of appeal by defendants, filed. cpy to USCA & counsel. g	
9-8-71	Order allowing extra time to file supersedeas bond, filed. (LB-J)g	
9-8-71	Supersedeas bond in sum of \$17,500, Aetna Casualty & Surety Co., surety, filed. g	
10-12-71	Order extending time to docket appeal to Nov. 30, 1971, filed. cpy to USCA & counsel. (LB-J)g	
11-29-71	Transcript of trial proceedings, filed. g	
11-30-71	Appeal record sent to USCA. (2 vols., orig. + 3 cpies)g	
9-15-72	Appeal record (2 vols.) received from USCA (at our request)g	
10-4-72	Mandate and opinion of USCA, reversing judgment of 8-6-71, and remanding cause for further proceedings in accordance with the opinion, filed and spread of record. g	
10-5-72	Order allowing amended complaint, filed. (LB-J)hm (and giving defts. 20 days to file answer to pltf's 1st amended complaint) (cpies mailed)	
10-5-72	Plaintiff's first amended complaint, filed. hm	
10-24-72	Deft.'s Answer, filed. v	
10-27-72	Demand for jury trial by defs., filed. rm	
10-27-72	Motion of the Deft.s to Disqualify with Brief in Support, filed. v	
10-27-72	Motion to Dismiss Because of Lack of Jurisdiction Under Rule 12 B with Brief in support, filed. v	
10-30-72	Order, filed, that mandate having come down from 10th Circuit reversing judgment, bond is hereby exonerated. (LB-J)hm (copies mailed Hinds & Kirk)	
11-2--72	Plaintiff's response to defendants' motion to dismiss under Rule 12B, filed. ds	
11-2-72	Plaintiff's responds to defendants' motion to disqualify, filed. ds with brief attached. <i>copies to Judge W. Barrow</i>	
11-13-72	Order, filed, that case is assigned to Judge Barrow for trial and disposition. (LB-J)hm (copies mailed)	
2-7-73	Order overruling motion to dismiss, filed. (AEB-J)hm (copies mailed)	
3-13-73	Parties directed to hold pre-trial prior to 4-23-73 and file pre-trial order not later than 4-30-73. (AEB-J)hm	
4-30-73	Deft.'s Preposed Pretrial Order, filed. jj <i>clg.</i>	
4-30-73	Pltf.'s Proposed Pretrial Order, filed. jj <i>clg.</i>	
5-24-73	Case set for jury trial on June 11, 1973, at 9:30 A.M. Notices mailed. ds	
6-4-73	Plaintiff's proposed jury instructions, filed. ds	} To be held in file for Marilyn
6-4-73	Proposed questions for voir dire examination, filed. ds	
6-4-73	Requested Instructions, filed by Deft. v	
6-4-73	Brief in Support of Defts' Motion to Dismiss, filed. <i>Final Brief of def.</i> v <i>(instantaneous correction by Court 6-11-73. rm)</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-6-73	Defendants' application for continuance filed. h(O to J)	
6-8-73	Ordered by the Court that Deft's appl. for continuance of Jury Trial is overruled. (AEB-J)r (Notified attys by phone)	
6-11-73	Case called for jury trial. All parties present. Jury empaneled. Parties make opening statements. During pltf. case in chief, def. moves for directed verdict. Court grants def. motion and Clerk directed to enter judgment in favor of def. and against pltf. Ptf. advised of right to appeal. Jury is discharged. (AEB-J)rm	
6-11-73	Trial exhibits, filed. rm	
6-11-73	Pre-trial Order, stip. by both parties, signed and filed in open court.rm	
6-11-73	Judgment on Directed Verdict, in favor of defs. and against pltf., filed and entered. (AEB-J)rm <i>copies mailed</i>	
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